

**MINUTES OF THE**  
**AUSTIN CITY PLANNING COMMISSION REGULAR MEETING**  
**TUESDAY, APRIL 9, 2002**

**MEMBERS PRESENT:** Glenn Mair, Sue Grove, Brian Johnson, Jack Rosenberg, Gordy Kuehne, Susan Howard, & Rich Bergstrom

**MEMBERS ABSENT:** Roger Stratton & Janet Anderson

**OTHERS PRESENT:** Community Development Director Craig Hoium, City Attorney Craig Byram, and Council Member Gloria Nordin

Commission Chair Brian Johnson called the meeting to order at 5:30 p.m., April 9, 2002, in the Austin City Council Chambers located at 500 4<sup>th</sup> Ave. N.E., Austin, Minnesota.

Corrections were made to the March 12, 2002 minutes- to include the words "and to correct the prior minutes" to the end of the web page discussion in the second paragraph of the minutes. Motion to approve the March 12, 2002 minutes with the correction was made by Commission Member Rosenberg. Motion was seconded by Commission Member Kuehne. Unanimous Ayes. Motion passed.

- 1.) **OPEN PUBLIC HEARING: To consider a request from Keith and Kim Smith, 1209 3<sup>rd</sup> Ave. N.W., for an 11-foot ¼-inch variance from City Code Section 11.01 (3)(C), requiring a minimum 12-foot 6-inch setback for structures located in an "R-1" Single-Family Residence District. This requested variance is for the proposed construction of a 12-foot by 26-foot two-story home addition.**

Mr. Hoium reviewed the request. The surrounding zone classifications and land uses are single-family dwellings to the south, east, and north which are zoned "R-1" Single Family Residence District. To the west is the Wescott Field which is an "A-1" zoning district. Mr. Hoium said that if the Planning Commission chooses to recommend to the City Council the approval of this variance the actual setback from the proposed addition would be 1-foot 5 ¾-inches from the west property line. Mr. Hoium said that in looking north and south along 12<sup>th</sup> Street N.W. there are a number of structures that aren't meeting the current setback requirements. When this area was originally platted and developed the legal descriptions provided were incorrect, and that is the reason for so many non-conforming properties existing in this neighborhood. The petitioners are proposing to construct a 12-foot by 26-foot two-story addition onto the west side of the house. Mr. Hoium pointed out to the Planning Commission that there are statutory requirements in approving variances and also reviewed that setback standards are to provide public safety and welfare to the citizens of the community. The standard interior sideyard setback for structures in "R-1" Districts is 5-foot. The 12.5-foot setback is implemented to maintain traffic vision for vehicles in the area and for pedestrian traffic. This public hearing was published and mailings were sent to surrounding property owners with no replies for or against this request.

Commission Member Rosenberg asked if the existing deck will be removed. The petitioner, Keith Smith, said the addition would be no wider than the existing deck is now and the deck will be removed. The petitioner said that from 15-feet down the road you can see around his existing deck privacy fence and see all the way down 12<sup>th</sup> Street N.W- the addition doesn't go to the front of the house- it starts about ¾ of the way back and runs to the end of the house.

Commission Member Grove asked if the existing trees would be saved. Mr. Smith said yes. Member Grove asked if the 1-foot 5 ¾-inches is from the street. Mr. Hoium said it is from their property line- west from the dwelling there is their property line, then public boulevard, and then the hard surfaced road.

Commission Member Kuehne asked the distance between the curb and the property line. Neither Mr. Hoium nor the petitioner knew the answer to the question. The petitioner said that from the street to the

existing deck is 17-feet which is also where the addition will be. The petitioner said they would like to improve and enlarge their property.

Commission Member Kuehne asked the petitioner to compare his own frontage to the neighbor north of him- across 3<sup>rd</sup> Ave. N.W. The petitioner said his own frontage is 23-feet from the sidewalk to the front of the house, and the neighbor is 1-foot closer to the road than the petitioner is.

Commission Member Mair asked about the 8-feet 7¾-inch measurement by the garage. Commission Member Kuehne said that measurement is the distance from the garage to the property line.

Motion was made by Commission Member Kuehne to recommend approval of this variance to the City Council because it is a reasonable use by the landowner and because of the original platting of the area- it creates a difficulty for the landowner- and the variance will not alter the essential character of the locality. Motion was seconded by Commission Member Grove. Unanimous Ayes. Motion passed.

**2.) OPEN PUBLIC HEARING: To consider a request from Ronald and Dianne Ripley, 215 10<sup>th</sup> Ave. S.W., for a 5-foot 9-inch variance from City Code Section 11.01 (93)(C), requiring a minimum sideyard setback for structures located in an “R-1” Single-Family Residence District. This requested variance is for the proposed construction of a 26-foot by 36-foot detached garage.**

Mr. Hoium reviewed the request. The surrounding land uses are all zoned as “R-1” Residential Districts and single family residential development. The petitioner is proposing to move the existing garage from his property, tear out the slab, and to construct a new detached garage. It has been the policy of the Planning & Zoning Department that when a new foundation is put in that the current setback requirements must be met. The existing building footprint would not change, except for an addition onto the north of the garage. The lot area is 5,953 sq.ft.- the maximum lot coverage is 2,381 sq.ft. and with the proposed garage the proposed lot coverage would be 2,190 sq.ft. The 12.5-foot sideyard setback on a corner is to maintain open area for traffic. This hearing was published and mailings were sent out with no responses for or against this request. Mr. Hoium reminded the Planning Commission to take into consideration the statutory requirements when reviewing the variance.

Commission Member Kuehne asked if since the foundation will be removed if the Planning Commission could request in a provision that he set the garage 5-feet from the property line rather than the existing 3-feet. Mr. Hoium said that the petitioner can obtain approval from the adjacent property owner on an Agreement to Build Form for the 3-feet setback and the Planning Commission cannot override that provision. The corner sideyard is the issue for this hearing.

Motion was made by Commission Member Mair to recommend approval of this variance to the City Council because it does not obstruct traffic, the landowner has a reasonable request, there are circumstances unique to the property, and it will not alter the essential character of the locality. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion passed.

**3.) SIGN APPEAL: To consider the appeal from Walter Baldus, 111 11<sup>th</sup> Ave. N.E., for the denial of the issuance of a sign permit to erect a 5-foot by 14-foot off-premise sign which does not meet the minimum spacing of 500-feet from a Residential District and does not meet the building setback of 7-feet and 3.5-feet regulated in a “B-2” District. Said proposed sign is not in compliance to City Code Section 4.50, Schedule No. VI.**

Mr. Hoium reviewed the request. This petition submitted by both Bruce Turner and Walter A. Baldus is for the property located at 1200 North Main Street. The petitioner would like to erect this sign to acquire additional exposure to the petitioner’s commercial property east of the Hanson Tire property. The surrounding land uses and zoning classifications are all entirely commercial property with some industrial to the south and some retail to the east. All are zoned “B-2” District. The difference between an off-premise

sign and a freestanding ground sign is that where the off-premise sign is located is not where the advertised business is located- similar to a billboard. The Goodyear sign has been there for a long time and the petitioner is proposing to erect a sign around the columns that support the Goodyear sign. The petitioner is proposing that the face, or advertisement part of the sign, would face directly to the southwest. The height of the sign would be 5-feet and the length is 14-feet. This sign is very similar to the Spam Museum sign across the intersection. The limitations for fencing height for business/commercial district are somewhat lax- a 5-foot or 6-foot high fence has no restrictions to front or rear yard like there are in residential areas. Mr. Hoium asked the Planning Commission to consider any obstruction of the road intersection that this sign could cause.

Commission Member Kuehne asked Mr. Hoium if there is a sidewalk in front of the utility box and the sign. Mr. Hoium said the utility box is on the boulevard and then there is sidewalk and then the supports. Member Kuehne asked if the stop sign is at the west end of the utility box. Mr. Hoium said yes. Member Kuehne asked if the sign is constructed as in the diagram- the west edge of the sign and northern most edge would be where- in relation to the utility box. Mr. Hoium said it appears from the drawing that the sign would be right up to the edge of the sidewalk. Mr. Hoium said the power box is between the sidewalk and the curb.

Commission Member Rosenberg asked if the power box would interfere with the viewing of the sign. Mr. Hoium said the box would not be moved.

Mr. Baldus, the petitioner, said that his property turns away from visibility from Main Street, so it has been difficult to rent the space. Mr. Baldus would like to bring some attention to his property. He would like to keep his sign in keeping with the Spam Museum sign to complement the intersection. Mr. Baldus said that there are usually cars parked where this proposed sign will be- so the sign should not have a significant impact. Mr. Baldus said that the semi-truck drivers that use this intersection will still be able to see over and around the 5-foot height of this sign.

Commission Member Kuehne asked if anyone investigated using the base of the Goodyear sign. Mr. Baldus said that Goodyear would not agree to that.

Motion was made by Commission Member Howard to recommend approval of this sign appeal to the Council as it does not appear to obstruct traffic or pedestrian traffic, and is similar to the sign across the street from it. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion passed.

Commission Member Kuehne asked Mr. Hoium to explain what he meant in his staff report to consider that this appeal may set a precedent. Mr. Hoium said there are two issues- the setback issue and the possible obstruction of intersections.

**4.) SIGN APPEAL: To consider the appeal from Greg Meyer, 1110 1<sup>st</sup> Ave. S.W., for the denial of the issuance of a sign permit to erect a 6-foot by 8-foot ½-inch free-standing ground sign which would encroach the public right-of-way 2-foot 3-inches. This sign encroachment is not in compliance to City Code Section 4.50, Schedule No. VI, Subd.5**

Mr. Hoium reviewed the request. This property is located in a "B-2" District. Surrounding land uses are business/commercial land uses. To the south and east there are some residential developed areas and all have zoning classifications of "B-2" Zoning Districts. City Code Section 4.50 Schedule No. VI, states that a ground sign shall not project over a public right-of-way. The original sign in question had a special Council approval when it was initially erected. The existing sign does encroach into the public right-of-way which is the inside edge of the sidewalk. The existing sign encroachment is 3-feet 4-inches. The encroachment of the proposed sign is 2-feet 3-inches. The proposed sign has a lesser sign face area than the existing sign at 48.2 sq.ft. versus 68 sq.ft. for the existing sign. The proposed sign is a corporate sign change-out. The corporate sign has as dimension of 6-feet in width and 8-foot 1-inch in height. There is a requirement for

pedestrian traffic with a minimum of 9-foot clearance over any type of walking surface. This proposed sign meets that requirement.

Commission Member Kuehne asked if the proposed sign would be installed on the existing post. Mr. Hoium said yes.

Motion was made by Commission Member Grove to recommend approval of this sign appeal to the Council because it is replacing a non-conforming sign, it is considerably smaller than the existing sign, and it is a corporate change. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion passed.

## **OTHER BUSINESS**

Mr. Hoium reviewed the Comprehensive Plan Goals.

P1: Provide adequate properly zoned land to accommodate housing needs of all housing styles and prices.

- a. Primrose/market rate rental
- b. Rosenthal Addition/26 single-family lots/\$220,000 - \$225,000
- c. Keenan Acres/\$150,000-\$175,000 houses
- d. Murphy Creek Addition/88 townhomes of market rate rentals and subsidized housing/\$100,00- \$125,000 single family dwellings.

P2: Encourage additional commercial land use in the northwest commercial development area.

- a. Burbank Addition/CRC
- b. Mr. Hoium and the Port Authority is working out the details for the sale of a parcel
- c. Bustad Second Addition north of Kmart with 3 additional lots for commercial development

P3: Zoning and Land Use Considerations- Address water, ground, & air

- a. This is the intent of all of our land use ordinances with monthly meetings & public hearings.

P4: Improving Function and Appearance of the Community by encouraging land uses, landscaping & screening.

- a. CRC- numerous trees and shrubs along with the tree preservation ordinance

P5: Encourage the removal of existing buildings that have exceeded their useful life for redevelopment of area sites.

- a. A grant was obtained to acquire twenty blighted properties in the northeast part of Austin and replace them with new houses or acquired flood plain homes
- b. Pedestrian trails including the Blazing Star Trail

P6: Landscaping- the DNR rules address this along with the Tree Preservation Ordinance.

P7: Natural draining features- the DNR rules address this including the Floodplain Ordinance.

Every year we participate in a community rating system which rates the community on regulations and efforts for minimizing damage to structures in the floodplain. Prior to our last re-certification we had a rating of a 7 (1- highest, 10- lowest). We've just been re-certified as a 5, which places us in a category with the top 5 communities in the country. The City's participation in this project passes on savings to property owners that need floodplain insurance.

P8: Preserving existing neighborhoods through zoning subdivisions, building controls- is an everyday function of the Planning & Zoning Department.

P9: Support efforts in eliminating impacts and nuisance properties.

- a. The City does hundreds of these complaints annually with a quarterly report to the City Council.

P10: Recommendations

P11: Goals

P12: The City will promote and control growth consistent with the Future Land Use Map, Comprehensive Plan & Zoning Ordinance

- a. Three developments this past year that warranted some amendments to the Future Land Use Map.

P13: Annex areas.

- a. Completed orderly annexation of Austin Acres which was initiated in the 1970's.
- b. Considering annexing the Norman Park Addition (west of Riverland Community College)

P14: City should work with adjacent townships in Mower County to identify areas of future growth

- a. Meetings with Mower County Officials and Townships have taken place.

P15: Encourage cooperative inter-government planning within the urban fringe area.

- a. The Blazing Star Trail
- b. The Shooting Star Trail
- c. Redevelop 18<sup>th</sup> Avenue N.W. between 4<sup>th</sup> Street & 14<sup>th</sup> Street N.W.

Goal: Landscaping

Historic buildings within the community

- a. Workshop in November to review the Historic Preservation Ordinance
- b. Mr. Hoium will be meeting with the downtown business owners this year to give ideas and to look at possible renovations of downtown buildings.
- c. Wold Drug building which will house a small meat market

Work to approve the attractiveness of the highway

- a. Spruce Up Austin and the Park & Rec department
- b. Mr. Hoium is working on getting two "Welcome to Austin" signs for I-90

Oakland Avenue

- a. A grant has been received to fill in the underpasses on East Oakland Avenue to alleviate problems with flooding (this may not happen for a few years)

One Year Action Strategies:

- a. Industrial Development
  - 1. Northeast Industrial Development is close to being full
  - 2. A need for utilities for the Cook Farm

Commission Member Johnson asked how specific the update process is. Mr. Hoium said to review it annually, but there are a lot of aggressive projects scheduled at this time. A lot of things have happened just in the last year.

Commission Member Bergstrom asked Mr. Hoium if the rumors are true that some of the commercial properties in the floodplain may be bought out. Mr. Hoium said the number one focus of the criteria is residential properties. If the funding acquired enables the City to target commercial properties than that will happen.

The Commission discussed various new building activity that has been observed and Mr. Hoium suggested the Commission view the City web site to see how the City has been promoting the development of Austin to those who may be interested.

## **ADJOURN**

Motion was made to adjourn by Commission Member Mair. Motion was seconded by Commission Member Kuehne. Unanimous Ayes. Motion passed. Meeting adjourned at 6:42 p.m.